

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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JERRY L. MILES,

Plaintiff,

v.

ESSEX COUNTY, NEW JERSEY,  
et al.,

Defendants.

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Civil No. 08-6003 (FSH)

**MEMORANDUM AND ORDER**

IT APPEARING THAT:

1. Plaintiff, Jerry L. Miles, a state inmate confined at the Essex County Correctional Facility in Newark, New Jersey, seeks to re-open his case, which was administratively terminated by Order of this Court entered on December 22, 2008.

2. On or about December 8, 2008, Plaintiff submitted a complaint for filing, asserting an action under the Civil Rights Act, 42 U.S.C. § 1983, against numerous Essex County and Essex County Correctional Facility officials, alleging claims of constitutional violations. However, at the time he submitted his complaint, Plaintiff failed to pay the \$350.00 filing fee and did not submit a complete application to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915.

3. On December 22, 2008, this Court issued an Order administratively terminating Plaintiff's action, but allowing Plaintiff to reopen this case if he so notifies the Court, in writing within 30 days, and provides either (1) a complete in forma pauperis ("IFP") application, including an affidavit of indigence **and** six-month prison account statement, or (2) the \$350 filing fee.

4. On January 6, 2009, this Court received a letter request from Plaintiff asking that his case be re-opened because he is indigent; however, Plaintiff did not submit a complete IFP application with his affidavit of indigence. Specifically, Plaintiff did not provide a copy of his six-month prison account statement as required under 28 U.S.C. § 1915(a)(2).

THEREFORE, it is on this 26th day of May, 2009;

ORDERED that Plaintiff's application to re-open his case (Docket entry no. 3) is hereby DENIED, without prejudice; and it is further

ORDERED that the Clerk of the Court shall supply to Plaintiff a blank form Application to Proceed In Forma Pauperis; and it is further

ORDERED that if Plaintiff wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, 402 East State Street, Trenton, New Jersey 08608, within 30 days of the date of entry of this Order; Plaintiff's

writing shall include either (1) a complete in forma pauperis application, including an affidavit of indigence **and** six-month prison account statement, or (2) the \$350 filing fee; and it is further

ORDERED that upon receipt of a writing from Plaintiff stating that he wishes to reopen this case, and either a complete in forma pauperis application or filing fee within the time allotted by this Court, the Clerk of the Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S. mail.

S/ Faith S. Hochberg  
FAITH S. HOCHBERG  
United States District Judge